

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of) MB Docket No. 14-82
)
PATRICK SULLIVAN) FRN 0003749041, 0006119796,
(Assignor)) 0006149843, 0017196064
)
and) Facility ID No. 146162
)
LAKE BROADCASTING, INC.) File No BALFT-20120523ABY
(Assignee))
)
Application for Consent to Assignment of)
License of FM Translator Station W238CE,)
Montgomery, Alabama)

To: Marlene H. Dortch, Secretary
Attention: Chief Administrative Law Judge Richard L. Sippel

**LAKE BROADCASTING, INC.'S OBJECTIONS TO
DIRECT CASE EXHIBITS AND WRITTEN DIRECT
TESTIMONY OF ENFORCEMENT BUREAU**

Lake Broadcasting, Inc. ("Lake"), by its attorney, pursuant to the Presiding Judge's *Order*, FCC 17M-08, released February 28, 2017, hereby objects to portions of the Direct Case Exhibits and Written Direct Testimony filed by the Enforcement Bureau on April 3, 2017. In support whereof, the following is shown.

1. Lake objects to certain paragraphs in EB Exhibit 1 (Testimony of Dr. Kimberly Weitzl), EB Exhibit 2 (Testimony of Tammy Gremminger, and EB Exhibit 3 (Statement of Tammy Gremminger) and to the entirety of EB Exhibit 4 (Business records of the Missouri Department of Corrections). In all instances, the reason for Lake's objection is that the text in question is inadmissible hearsay statements

taken from the files and records of the Missouri Department of Corrections.

2. Ms. Gremminger claims that (EB Exh. 2, Para. 8) “the files and records I reviewed are kept in the regular course of business at the Missouri Department of Corrections” and are, therefore, covered by the business records exception to the Hearsay Rule. However, the language to which Lake objects in the Bureau’s Exhibits and Testimony is only admissible as part of business records of the Department and NOT to prove the truth of the facts asserted therein. Since it is clear that the only reason that the Bureau is proffering the subject exhibits and language in question at this time is to taint the hearing record with scurrilous hearsay statements and reports about Mr. Rice that have never been tested in court and will not be presented in this proceeding by their original authors, Lake strongly objects to their admission as exhibits. *See Paddack v. Christensen*, 745 F.2d 1254, 1262 (9th Cir. 1984); *U.S. v. Lundy*, 809 F.2d 392, 395 (7th Cir. 1987) (a court must insure that an expert witness is testifying as an expert and not merely as a conduit through which hearsay is brought before the jury).

3. Therefore, Lake requests that the following hearsay passages from the four Bureau exhibits should be deleted:

Bureau Exhibit #1 DELETE:

Page 5 Paragraph 9, except for the first sentence.

Page 6 Paragraphs 10 and 11

Page 18 Paragraph 52, except for the first sentence.

Page 20 Paragraph 60, except for the first two sentences.

Page 20 Paragraph 61

Page 21 Paragraph 62

Page 26 Paragraphs 75 and 76

Bureau Exhibit #2 DELETE:

Pages 3 & 4 Lake objects to the 18 titles of training courses that are crossed out. See attached pages 3 and 4 of EB Exh. 2. These courses do not appear to have any relevance to risk assessment training.

Page 6 Paragraph 9. The information in this paragraph is contrary to the *Hearing Designation Order* (“HDO”) (at para. 3) in this proceeding, which recites that Mr. Rice’s crimes involved “children who were between 14 and 16 years old” and other children “who were under 14 years old.” EB Exh. 2, para. 9 erroneously asserts that the children “were aged 9-14 years.” Such factual matters are *res judicata* in this proceeding under Para. 27 of the *HDO*, and the Presiding Judge should not allow such errors to creep into the hearing record.

Page 7 Paragraph 13, except for the first sentence.

Page 7-8 Paragraph 14.

Bureau Exhibit #3 DELETE:

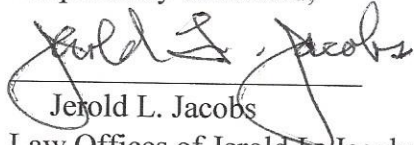
Page 1 Paragraph 3

Bureau Exhibits #4 and #5

DELETE:

The 34 pages of documents in Exhibit 4 are attested to in Exhibit 5 by Ms. Gremminger as business records of the Missouri Department of Corrections. Lake objects to the admission of all of these documents because they violate the Hearsay Rule. Although these documents may be business records of the Department, they are being proffered to prove the truth of the facts asserted therein, and therefore they are inadmissible. See Paragraph 2, *supra*. Moreover, a number of the pages are partially illegible and therefore are unacceptable on that basis alone.

Respectfully submitted,



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Counsel for Lake Broadcasting, Inc.

Dated: April 21, 2017

5. As a Sex Offender Specialist, I have attended the following trainings conducted by the Missouri Department of Corrections and other law enforcement entities in the greater St. Louis area:

- Sex Offender Supervision 11-06-1997
- Sex Offender Supervision 11-07-1997
- ~~• Child Exploitation 04-05-2000~~
- ~~• MOCASA End Sexual Violence 04-30-2000~~
- Child Sexual Abuse 05-10-2000
- Sex Offender Registration 05-21-2001
- Understanding & Assessing & Treatment of Sexual Offenders 09-06-2001
- ~~• MOCASA Stalking 09-11-2001~~
- Violence, Risk, and Threat Assessment of Sexual Offenders 09-16-2002
- ~~• Protecting You & Your Kids 02-09-2003~~
- ~~• Sexual Predators on the internet 06-19-2003~~
- FBI/Internet Training & Supervision of Sex Offenders in the Community 12-12-2003
- SAI (Sex Offender Invention) 02-12-2004
- ~~• MOSATSA Annual Conference 06-04-2004~~
- ~~• Youth Violence Prevention Conference 05-04-2004~~
- Sexual Predation 11-10-2004
- Criminal Behavior Research 01-05-2005
- ~~• Human Trafficking 02-28-2005~~
- ~~• GPS (Global Positioning System) 03-14-2006~~
- ~~• Strength in Unity: Coming Together To Protect Children & Families 04-17-2006~~
- Understanding and Interviewing Sex Offenders 07-21-2006
- ~~• Stalking 10-25-2006~~
- ~~• Internet Crimes Against Children 01-16-2007~~
- Sex Offender Providers & Supervision 04-16-2007
- Criminal Behavior Research 10-03-2007
- Treating Compulsive Behavior 12-08-2007
- Sex Offender Providers & Supervision 04-16-2007

- Prevention & Intervention Conference 04-02-2008
- Sex Offender Supervision 05-05-2009
- ~~• Enhancing Response To Sexual Assault Victims 08-04-2009~~
- Sex Offender Management 10-08-2009
- Remote Computer Monitoring For Sex Offenders 06-01-2011
- ~~• Total Access GPS Online Training 11-20-2013~~
- ~~• Child Annual Prevention Conference 04-03-2014~~
- Community Sex Offender Treatment Provider 01-23-2015
- ~~• Desensitized to Death: The Lethality, Assessment & Prosecution of Strangulation 06-23-2015~~
- ~~• Domestic Violence 08-06-2015~~
- ~~• Strengthening Partnerships- Reducing Sexual Violence and Promoting Community Safety 02-26-2016~~
- Vermont Assessment of Sex Offender Risk 02-25-16
- Treating Sex Offenders 01-01-2016

6. From this training and through my work as a Sex Offender Specialist, I have learned to utilize the criteria and tools provided by the State of Missouri to assess the risks posed by sex offenders generally and to recognize the specific risk factors that elevate the risks posed by certain types of offenders. In order to make these assessments I generally consider the following factors:

- risk factors that lead to the offender's current situation (such as a court hearing) and his/her amenability to treatment and supervision;
- risk factors that were present during the time of the offender's offending behavior;
- the sexual offense(s) that occurred;
- sexual interest/arousal pattern and risk assessment(s);
- the offenders' denial of harm, responsibility, frequency, intrusiveness, denial of need of services, denial of fantasies, grooming and planning;
- any justification for the offender's actions, shifting the blame, or blaming the victim of the crime;
- the use of force, drugs or intoxicating substances;

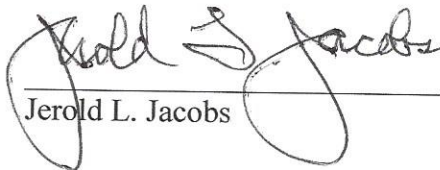
CERTIFICATE OF SERVICE

I, Jerold L. Jacobs, hereby certify that on this 21st day of April, 2017, I filed the foregoing "LAKE BROADCASTING, INC.'S OBJECTIONS TO DIRECT CASE EXHIBITS AND WRITTEN DIRECT TESTIMONY OF ENFORCEMENT BUREAU" in ECFS and caused a copy to be sent via First Class United States Mail and via e-mail to the following:

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